

REMARKS

Claims 10 and 12 have been rejected by the Examiner. Claim 10 has been amended to further incorporate the provisions of claim 12 and now claim 12 has been cancelled. Claim 10 has thus been amended to further specify and clarify the apparatus and its function. The sole remaining claim is presently amended claim 10. No new matter has been added by way of this amendment.

Rejection under 35 U.S.C. §103:

The Examiner has now rejected claim 10 under 35 U.S.C. §103(a) as being unpatentable over WO99/08857 (hereinafter "Kearney") in view of Zeiter et al., U.S. Patent No. 6,269,671.

Kearney does disclose an apparatus for forming pharmaceutical blisters comprising a pin having a body and a concave face portion. This reference also discloses a platen with indicia thereon and means for advancing the pin towards the platen. This reference fails to disclose that the pin also has indicia on its surface and also fails to disclose or suggest a pin body wherein a portion of the pin body adjacent to the pin face comprises different materials having differing friction parameters.

Most notably, the Kearney reference does not teach how to controllably stretch the film located at the base of the blister or how to both form the blister and emboss it within a single pass of pin advancement into said film. In fact, Kearney actually makes the suggestion that it is "... difficult if not impossible to create an indicia on the interface of the blister simultaneously with the formation of the blister itself." See page 2, lines 17-21, of Kearney.

Kearney also teaches away from the presently claimed invention in that it uses a two-step process to form the blister and then the indicia. See page 2, line 25. Further, on page 4 of Kearney, at lines 1-6, this reference actually teaches away from the present invention.

The Examiner goes on to argue that Zeiter et al. discloses a method and apparatus for forming shaped packaging comprising a pin having a body and a face portion which has at least two contiguous frusto-conical portions having different apex angles. Applicants take exception to the Examiner's assertion that Zeiter et al. teaches a pin body wherein the pin face comprises different materials having different friction parameters. Careful reading of column 5, lines 26-60, makes no suggestion that the pin body comprises different materials having differing friction parameters. Further, as to the apparatus taught in Zeiter et al., Applicants' invention is an improvement over a manufacturing apparatus such as Zeiter '671. Applicant has discovered that in the controllable stretching phenomenon of plastic films, the preservation of film layer integrity, the enhancement of more evenly distributed stretching, and physically embossing indicia can simultaneously be accomplished in a single pass process when the apparatus includes the claimed concave pin face having a peripheral edge. This is in addition to the frusto-conical regions about the end of the pin. Zeiter also teaches away from the present invention in that it utilizes numerous steps for its cold forming of packaging materials.

The Examiner has also failed to consider that the coating material on the pin surface is not taught by Zeiter.

For these reasons, in addition to those previously presented, the Examiner has failed to present a combination of references, that alone or in combination, fairly teach or suggest Applicants' presently claimed invention. The Examiner has failed to present references that can provide proper and adequate support for a rejection based on obviousness. This rejection should therefore be withdrawn.

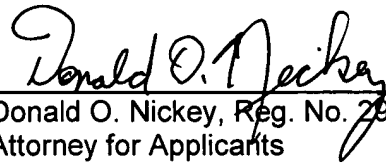
Conclusion:

In light of the above amendments and the accompanying remarks, it is believed that the application is now in condition for allowance, and prompt notification to that effect is earnestly solicited. The Examiner is invited to contact the undersigned to discuss the application on the merits if it is believed that such discussion would expedite the prosecution.

Respectfully submitted,

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